

**PRESIDENTIAL PRIMARY  
FEBRUARY 5, 2008**

Pursuant to the Selectmen's warrant of January 8, 2008, the State Election was held in Hale Middle School Gymnasium/Auditorium and was called to order at 7:00 a.m.

After examining the ballot box and finding it empty and in good order, the counter was set to zero. The ballot box was then locked and the keys delivered to the Warden who declared the polls open.

During polling hours, one hundred seventeen absentee ballots were opened, recorded and cast into the ballot box. There were fourteen spoiled ballots. There were two Democratic provisional ballots. It was determined that one provisional voter qualified to vote in Stow and one provisional ballot was counted. The polls were declared closed at 8:00 p.m. There were 2,546 total ballots cast in the Primary (1,572 Democratic, 971 Republican, 3 Green-Rainbow, and zero Working Families). Voter turnout was 57%. There were 4,462 registered voters. The final results are as follows:

**REPUBLICAN PARTY - 971 VOTES CAST**

<u>RACE/CANDIDATES</u>	<u>TOTAL</u>
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**Presidential Preference**

John McCain	397
Fred Thompson	1
Tom Tancredo	0
Duncan Hunter	0
Mike Huckabee	33
Mitt Romney	512
Ron Paul	19
Rudy Giuliani	3
No Preference	2
Blanks	1
Write-ins	3

**State Committee Man**

Brian P.Burke	764
Paul R.Ferro	48
Blanks	158
Write-ins	1

**State Committee Woman**

Jeanne S.Kangas	591
Blanks	379
Write-ins	1

**Town Committee**

**Group One (1)**

William M. Monnie	329
Margaret T. Monnie	284
John R.Cain, Jr	288
Kelly Ann Konash	311
Constantine Stamos	344

**Town Committee****Group Two (2)**

Walter Robert Dilling, Jr.	325
John R. Mileski	343
Daniel J. Beaudette	337
Donald G. McPherson	367
Eugene B. Bunce	370
Richard A. Konash	334
Edward R. Perry, Jr	383
Brian P. Burke	457
Blanks	24647
Write-ins	11

**DEMOCRATIC PARTY - 1572 VOTES CAST****Race/Candidates                      Total****Presidential Preference**

John R. Edwards	17
Hillary Clinton	760
Joseph R. Biden, Jr	3
Christopher J. Dodd	0
Mike Gravel	0
Barack Obama	777
Dennis J. Kucinich	3
Bill Richardson	2
No Preference	6
Blanks	2
Write-ins	2

**State Committee Man**

James McGowan	1017
Blanks	551
Write-ins	4

**State Committee Woman**

Kathleen Donaghue	1039
Blanks	532
Write-ins	1

**Town Committee**

Leonard H. Golder	712
Kathleen King Farrell	826
Stephen M. Dungan	815
Daisy Dearborn	735
Mary E. Algeo	670
Patricia A. Walrath	1059
Mary Kate Hogan	687
Sharon Lee Brownfield	672
James P. Cohen	668
Gregory D. Jones	752
John F. Zettler	677
Shirley A. Burchfield	731
Weston A. Fisher	691
Blanks	45298
Write-ins	27

**GREEN-RAINBOW PARTY -3 Ballots Cast**

<u>RACE/CANDIDATES</u>	<u>TOTAL</u>
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**Presidential Preference**

Jared Ball	0
Ralph Nader	1
Elaine Brown	0
Kat Swift	0
Cynthia McKinney	1
Kent Mesplay	0
No Preference	0
Blanks	0
Write-ins	1

**State Committee Man**

Blanks	3
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**State Committee Woman**

Blanks	3
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**Town Committee**

Blanks	3
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**WORKING FAMILIES PARTY Zero ballots cast****No Nominations****ELECTION WORKERS****Warden**

Philip T. Detsch

**Dep. Warden**

Newton P. Wesley

**Clerk**

Judith A. Scraggs

**Ballot Box Officers**

Ann F. Luxner

**Checkers & Ballot Counters**

Mary E. Algeo

Janet Derby

Anne C. Draudt

Lisabeth H. duBois

Pamela G. Gjestebv

Utahna G. Hallet

Betty Holly

Elizabeth D. MacGilvra

Eila J. Makey

Joanne C. Newman

Diane L. Parker

Betty M. Sauta

Dolores M. Wesley

## ANNUAL TOWN MEETING

**MAY 5 and 6, 2008**

**(First Session)**

Pursuant to the Selectmen's warrant of March 26, 2008, posted by the Constable on April 25, 2008, the annual town meeting was called to order by Deputy Moderator Gary Horowitz at 7:00 p.m. in Hugh Mill Auditorium at Hale School on May 5, 2008.

Moderator Horowitz read to the meeting a message from Moderator Edward Newman, who was unable to preside over this meeting because of a health problem. The moderator responsibilities are, therefore, turned over to Deputy Gary Horowitz and Assistant Elizabeth Painter.

Dr. Horowitz called attention to the special flag display on the stage that honors the 325th anniversary celebration of the incorporation of the Town of Stow on May 16, 1683. The flags had been made for the 300th celebration in 1983 by Girl Scout Cadette Troop 864 of Stow. The several flags range from that of 1775 to the current 50-star flag. All will be carried by Girl Scouts in the Springfest parade on May 17th.

The meeting rose for an invocation recited by Moderator Horowitz, who then led the meeting in the *Pledge of Allegiance to the Flag*. Town officials were introduced: Selectmen, Town Clerk, Assistant Town Clerk, Town Counsel, Town Administrator, Selectmen's Administrative Assistant, Finance Committee and others. A list of non-voters who may be heard during the course of the meeting was approved.

On motion of Selectman Stephen Dungan, it was voted unanimously that Gary Horowitz be elected to serve as Deputy Moderator and that Elizabeth Painter be elected to serve as Temporary Moderator and Assistant Moderator for the ensuing year. Following the vote, they were sworn in by Town Clerk Linda Hathaway.

Moderator Horowitz recognized those individuals who passed away in 2007 having served the Town in several capacities.

On motion of Selectman Dungan, it was voted unanimously that the reading of the warrant and return of the constable thereon be waived but made a part of the record of this meeting, and that the Moderator be permitted to refer to each article by subject matter instead of reading each article in its entirety.

### **ARTICLE 1. Town Officers Not Elected by Ballot**

On motion of Selectman Dungan, it was voted unanimously that the members of the Board of Selectmen be elected to serve as Field Drivers for the ensuing year.

### **ARTICLE 2. Reports of Selectmen and Other Officers and Committees**

On motion of Selectman Kathleen Farrell, it was voted unanimously that the reports of the Selectmen and other Town Officers, Boards, Committees and Commissions be accepted as printed in the Town Report of 2007.

### **ARTICLE 3. Reports of Special Committees**

On motion of Selectman Jason Robart, it was voted unanimously that the reports of the Master Plan Committee and School Building Task Force be accepted as printed in the Town Report for 2007.

At this point, Ellen Sturgis, chair of the School Building Task Force Committee, reported to the meeting with an update as to why there is no proposal on the warrant for a school building project. The 2007 annual town meeting had appropriated \$2.2 million for design and pre-construction at Center School. The Elementary School Building Committee was formed and began meeting in September 2007. There were several events leading up to a meeting with the Mass. School Building Authority in March

2008. The project is now moving forward to the "feasibility study" category. MSBA reimbursement will be at a minimum of 46%; however, the committee is awaiting a firm answer. A fiscal year 2011 vote is expected for the school proposal, estimated at \$33 million, with occupancy in fall 2012.

Finance Committeeman David Walrath presented an overview of the Town's financial situation. The Fiscal 2009 operating budget does not require a Proposition 2-1/2 override; however, there are two debt exclusion questions on the annual election ballot. All departments were held to a minimum increase in spending and 3% cost-of-living wage increases. Finances are tight but look reasonably good for now.

#### **ARTICLE 4. Wage and Salary Schedules**

On motion of Selectman Thomas Ruggiero, it was voted unanimously to amend Article 11 of the General Bylaws of the Town, Personnel Administration, by deleting from Section 20.h. the existing Salary Schedules A, B, C, D and E, and inserting in place thereof new Schedules A, B, C, D and E, as printed in the warrant.

### **TOWN OF STOW WAGE & SALARY SCHEDULES *Effective July 1, 2008 (3%)***

#### **SCHEDULE A ANNUAL RATE POSITIONS**

<b><u>Position Title</u></b>	<b><u>Minimum</u></b>	<b><u>Step 1</u></b>	<b><u>Step 2</u></b>	<b><u>Step 3</u></b>	<b><u>Maximum</u></b>
Police Chief	69,942	72,486	76,301	82,658	93,499
Police Lieutenant	63,285	68,061	71,644	75,225	77,615
Supt. of Streets	62,582	66,491	70,406	74,313	78,229
Fire Chief	62,072	64,556	68,282	74,492	80,695
Town Accountant	57,413	60,980	64,573	68,163	71,755
Treasurer-Collector	49,378	52,466	55,552	58,636	61,723
Building Inspector	48,338	51,357	54,379	57,401	60,423
Library Director	45,998	48,874	51,747	54,627	57,499
Town Clerk	41,336	43,791	46,369	48,941	51,519

#### **SCHEDULE B HOURLY RATE POSITIONS**

##### **GROUP A**

<b><u>Position Title</u></b>	<b><u>Minimum</u></b>	<b><u>Step 1</u></b>	<b><u>Step 2</u></b>	<b><u>Step 3</u></b>	<b><u>Maximum</u></b>
Parks & Commons Worker	10.51	11.40	12.37	13.28	14.18
Cemetery Worker	10.51	11.40	12.37	13.28	14.18
Custodian	10.51	11.40	12.37	13.28	14.18

##### **GROUP B**

<b><u>Position Title</u></b>	<b><u>Minimum</u></b>	<b><u>Step 1</u></b>	<b><u>Step 2</u></b>	<b><u>Step 3</u></b>	<b><u>Maximum</u></b>
Asst. Town Clerk	15.49	16.68	17.92	19.42	20.86
Capital Program Comm. Secretary	11.93	12.82	13.79	14.94	16.05

**GROUP C**

<b><u>Position Title</u></b>	<b><u>Minimum</u></b>	<b><u>Step 1</u></b>	<b><u>Step 2</u></b>	<b><u>Step 3</u></b>	<b><u>Maximum</u></b>
Board of Appeals Secretary	16.29	17.75	19.15	20.62	22.02
Town Secretary	12.82	13.98	15.08	16.24	17.36
Highway/Tree/ Grounds Worker	12.82	13.98	15.08	16.24	17.36

**GROUP D**

<b><u>Position Title</u></b>	<b><u>Minimum</u></b>	<b><u>Step 1</u></b>	<b><u>Step 2</u></b>	<b><u>Step 3</u></b>	<b><u>Maximum</u></b>
Highway/Tree Grounds Driver-Laborer	15.88	16.89	17.88	18.85	19.83

**GROUP E**

<b><u>Position Title</u></b>	<b><u>Minimum</u></b>	<b><u>Step 1</u></b>	<b><u>Step 2</u></b>	<b><u>Step 3</u></b>	<b><u>Maximum</u></b>
Highway Dept. Equipment Operator	17.35	18.43	19.50	20.60	21.65
Tree Worker (Moth)	17.35	18.43	19.50	20.60	21.65
Maintenance Person	17.35	18.43	19.50	20.60	21.65

**GROUP F**

<b><u>Position Title</u></b>	<b><u>Minimum</u></b>	<b><u>Step 1</u></b>	<b><u>Step 2</u></b>	<b><u>Step 3</u></b>	<b><u>Maximum</u></b>
Highway Dept. Mechanic	18.39	19.46	20.70	21.85	22.97
Crew Chief	19.13	20.24	21.53	22.71	23.90

**GROUP G**

<b><u>Position Title</u></b>	<b><u>Minimum</u></b>	<b><u>Step 1</u></b>	<b><u>Step 2</u></b>	<b><u>Step 3</u></b>	<b><u>Maximum</u></b>
Highway Dept. Foreman	20.42	21.70	22.96	24.25	25.49

**SCHEDULE C**  
**SINGLE RATE POSITIONS PAID ANNUALLY**

<b><u>Position Title</u></b>	<b><u>Salary</u></b>
Registrar of Voters	123.00
Assistant Registrar of Voters	247.00
Animal Control Officer	15,960.00
Animal Inspector	3,313.00
Director of Summerthing	2,479.00
Beach Director	5,342.00
Cemetery Superintendent	32,782.00
Veterans' Agent	1,343.00
Council on Aging Secretary	859.00

**SCHEDULE D**  
**SINGLE RATE POSITIONS PAID HOURLY**

<b><u>Position Title</u></b>	<b><u>Hourly Rate</u></b>
Election Warden	9.45
Election Clerk	9.45
Election Teller	8.36
Election Clerical Assistance	8.36
Lifeguard	10.38
Lifeguard (W.S.I.)	12.26
Beach Checker	8.36
Summerthing Assistant	8.36
Street Lister	9.02
Street Listing Clerk	8.36
Street Numberer	8.36
Per Diem Firefighter (call)	13.11
Apprentice Firefighter (call)	12.71
Firefighter (call)	14.52
Emergency Medical Technician (call)	14.52
Firefighter/EMT (call)	15.18
EMT -w/Defib & Epi Pen (call)	15.85
Firefighter/EMT - w/Defib & Epi Pen (call)	16.51
Officers - Fire or Medical (call)	17.84
Police Officer - part-time	20.30
Police Matron	17.91
Auxiliary Police Officer	13.25
Dispatcher - part-time	16.87

**SCHEDULE E**  
**FIRE DEPARTMENT ANNUAL SINGLE RATES**

<b><u>Position Title</u></b>	<b><u>Salary</u></b>
Deputy Fire Chief (call)	896.00
Fire Engineer	777.00
Fire Captain (call)	596.00
Fire Lieutenant (call)	478.00
Fire Medical Officer	358.00
EMS Quartermaster	239.00

EMS Schedule Coordinator	180.00
EMS Assistant Coordinator	299.00
EMS Records Coordinator	358.00

#### **ARTICLE 5. General Budget for Fiscal Year 2009**

Selectman Ellen Sturgis moved to raise and appropriate the sum of \$19,848,342.00, as recommended by the Town Administrator and Selectmen for Items 1 through 74 inclusive, as printed in the warrant under the column entitled *"FY2009 Budget Town Admin/Selectmen Recommended"*, each item to be considered a separate appropriation for the purposes designated and the same to be expended only for such purposes.

Deputy Moderator Horowitz read off each group of line items, and the following were held for questions or clarification: 7, 14, 16, 21, 22, 35, 40, 51, 52, 66, 67, 70 and 71. Those items not held were put to a vote, and those sums as printed in the warrant carried unanimously.

Item 7 - Town Building Clerical Wages: A voter questioned what appears to be a doubling of the current figure. Town Administrator William Wrigley explained that the increase represents 1,000 hours at \$15 for needed clerical assistance divided equally to the offices of the Selectmen, Building Inspector and Accountant. The sum of \$31,973.00, as printed in the warrant, was moved and voted unanimously.

Item 14 - Assessors' Clerical Wages: A voter asked how many people are included in the figure. There are two, one of whom is due a step increase and longevity payment in FY2009. The sum of \$56,454.00, as printed in the warrant, was moved and voted unanimously.

Item 16 - Treasurer-Collector Salary: This is a single position that is due a step increase in FY2009, representing a 4.9% increase overall. The sum of \$55,552.00, as printed in the warrant, was moved and voted unanimously.

Item 21 - Town Clerk Expenses: The increase over FY2008 is due to expenses associated with the primary and presidential elections in the fall of 2008. The sum of \$14,745.00, as printed in the warrant, was moved and voted unanimously.

Item 22 - Conservation Commission Clerical Wages: There was no question. The sum of \$60,840.00, as printed in the warrant, was moved and voted unanimously.

Item 35 - Fire and EMS Wages: A voter noted the recommended figure was less than the department request. Mr. Wrigley explained that the department requested more than the 3% cost-of-living wage increase for its call members. The recommended figure is in line with the 3% increase to be granted other town personnel. The sum of \$423,872.00, as printed in the warrant, was moved and voted unanimously.

Item 40 - Supt. of Streets Salary: The recommended figure includes a step increase in FY2009. The sum of \$78,229.00, as printed in the warrant, was moved and voted unanimously.

Item 51 - Council on Aging Executive Director Salary: When the current director was hired in 2007 there were not sufficient funds to cover her salary. The recommended figure will provide an increase to the next step as had been agreed. The sum of \$51,138.00, as printed in the warrant, was moved and voted unanimously.

Item 52 - Council on Aging Expenses: The Council relies on volunteers to carry out its mission. The Friends of the Council do not have enough funds to support the van operation. The sum of \$76,584.00, as printed in the warrant, was moved and voted unanimously.



Item 66 - Educational Incentive: The recommended increase will provide payment to two new hires with degrees, plus two now eligible. The sum of \$57,500.00, as printed in the warrant, was moved and voted unanimously.

Item 67 - Group Insurance: A voter asked if the Town is part of the state insurance program. Mr. Wrigley advised that the Town's program is competitive with the State and with more offerings. Any change in the Town's group insurance will involve negotiation with the several unions. The sum of \$559,698.00, as printed in the warrant, was moved and voted unanimously.

Item 70 - Nashoba Regional School District Assessment: A voter asked if track reconstruction is included in the FY2009 budget. The response was in the negative. If the special article is not successful, funding will be part of the school budget for FY2010. The sum of \$12,607,229.00, as printed in the warrant, was moved and voted unanimously.

Item 71 - Minuteman Voc-Tech Assessment: Questions were asked about enrollment overall and of Stow students. Minuteman Supt. Dr. Edward Bouquillon advised that the assessment is not tied to per pupil costs, rather a percentage of the region. The sum of \$963,952.00, as printed in the warrant, was moved and voted unanimously.

The total general budget for FY2009 at \$19,848,342.00 was approved as printed in the warrant.

#### General Government

1	Moderator Salary	\$ 37.00
2	Moderator Expenses	45.00
3	Selectmen Administrative Asst. Salary	42,999.00
4	Selectmen Expenses	11,770.00
5	Town Administrator Salary	104,172.00
6	Town Administrator Expenses	500.00
7	Town Building Clerical Wages	31,973.00
8	Finance Committee Wages	3,735.00
9	Finance Committee Expenses	450.00
10	Accountant Salary	42,436.00
11	Accountant Clerk Salary	0.00
12	Accountant Expenses	1,525.00
13	Principal Assessor Salary	57,189.00
14	Assessors' Clerical Wages	56,454.00
15	Assessors' Expenses	7,650.00
16	Treasurer-Collector Salary	55,552.00
17	Treasurer-Collector Clerical Wages	43,499.00
18	Treasurer-Collector Expenses	38,800.00
19	Town Clerk Salary	51,519.00
20	Town Clerk Other Wages	25,736.00
21	Town Clerk Expenses	14,745.00
22	Conservation Commission Clerical Wages	60,840.00
23	Conservation Commission Expenses	4,280.00
24	Planning Board Clerical Wages	98,723.00
25	Planning Board Expenses	4,510.00
26	Board of Appeals Clerical Wages	6,996.00
27	Board of Appeals Expenses	3,370.00
28	Municipal Building & Property Wages	24,983.00
29	Municipal Building & Property Expenses	60,488.00
30	Town Reports Expenses	9,050.00
	General Government Total	<u>\$864,026.00</u>

Public Safety

31	Police Chief Salary	\$ 93,499.00
32	Police & Dispatch Wages	1,040,475.00
33	Police & Dispatch Expenses	86,300.00
34	Fire Chief Salary	80,695.00
35	Fire & EMS Wages	423,872.00
36	Fire & EMS Expenses	80,000.00
37	Building Inspector Salary	60,423.00
38	Building Dept. Clerical Wages	18,013.00
39	Building Dept. Expenses	<u>5,625.00</u>
	Public Safety Total	\$1,888,902.00

Public Works and Facilities

40	Supt. of Streets Salary	\$ 78,229.00
41	Highways & Grounds Wages	427,168.00
42	Highways & Grounds Expenses	112,600.00
43	Snow & Ice Removal Expense	150,000.00
44	Municipal Lighting	13,500.00
45	Gasoline & Diesel Fuel Expense	90,000.00
46	Cemetery Salary & Wages	39,882.00
47	Cemetery Expenses	<u>9,915.00</u>
	Public Works and Facilities Total	\$ 921,294.00

Human Services

48	Sanitary Agent Wages	\$ 17,995.00
49	Health Department Wages	74,662.00
50	Health Department Expenses	8,560.00
51	Council on Aging Executive Director Salary	51,138.00
52	Council on Aging Wages	76,584.00
53	Council on Aging Expenses	12,408.00
54	Veterans' Agent Salary	1,303.00
55	Veterans' Agent Expenses	<u>200.00</u>
	Human Services Total	\$ 242,850.00

Culture and Recreation

56	Library Director Salary	\$ 57,499.00
57	Library Wages	76,913.00
58	Library Expenses	56,692.00
59	Recreation Wages	45,263.00
60	Recreation Expenses	23,550.00
61	Lake Boon Commission Wages	2,745.00
62	Lake Boon Commission Expenses	710.00
63	Historical Commission Expenses	525.00
64	Memorial Day Expenses	950.00
65	Lighting of Clock Expenses	<u>100.00</u>
	Culture and Recreation Total	\$ 264,947.00

### Town-Wide Expenses

66	Educational Incentive	\$ 57,500.00
67	Group Insurance	559,698.00
68	Insurance & Bonds	128,800.00
69	Telephone	<u>25,956.00</u>

Town-Wide Expenses Total \$ 771,954.00

### Education

70	Nashoba Regional School District Assessment	\$12,607,229.00
71	Minuteman Voc-Tech Assessment	<u>963,952.00</u>

Education Total \$13,571,181.00

### Debt Service

72	Principal, Long-Term Debt	\$ 847,000.00
73	Interest, Long-Term Debt – Bonds	473,188.00
74	Interest, Temporary Loans – Revenue	<u>3,000.00</u>

Debt Service Total \$ 1,323,188.00

**TOTAL GENERAL BUDGET.....\$19,848,342.00**

### **CONSENT CALENDAR**

On motion of Selectman Stephen Dungan, it was voted to take the following articles out of the order in the warrant and take action on Articles 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 31, 32, 33, 34, 36 and 37, as said motions are printed in the Consent Calendar, a copy of which has been provided to the voters at this meeting, without debate on any such articles and provided that upon the request of any voter at this meeting made before the vote is taken on this motion, an article shall be dropped from the Consent Calendar and shall be acted upon in the ordinary course and order of business at this town meeting.

Articles 16, 30 and 35 were dropped from the Consent Calendar at the request of voters. The Finance Committee recommended approval of the articles within the Consent Calendar.

#### **ARTICLE 6. Reserve Fund**

Voted to raise and appropriate the sum of \$70,000.00 for a Reserve Fund for the fiscal year beginning July 1, 2008.

#### **ARTICLE 7. Tax Title Proceedings**

Voted to raise and appropriate the sum of \$7,000.00 to be added to any balance remaining and previously appropriated for tax title proceedings for tax taking and Land Court foreclosure, including costs and legal expenses related thereto; to be expended by the Treasurer-Collector.

#### **ARTICLE 8. Audit of Financial Records**

Voted to raise and appropriate the sum of \$10,200.00 for a Town financial audit.

**ARTICLE 9. Revolving Fund for Inspection Fees**

Voted to authorize, upon the recommendation of the Selectmen, a revolving fund pursuant to Mass. General Laws Chapter 44, Section 53E-1/2 for FY2009, to which shall be credited all permitting fees received for wire, gas, plumbing and fire alarm permits and for weights and measures sealing, to a limit of \$40,000.00 for Fiscal 2009, to be expended by the Selectmen without further appropriation, for the purpose of payment of fees to the inspectors administering such permits and reimbursement of expenses incurred on behalf of the Town.

**ARTICLE 10. Revolving Fund for Advanced Life Support Services**

Voted to authorize, upon the recommendation of the Selectmen, the establishment of a revolving fund pursuant to Mass. General Laws Chapter 44, Section 53E-1/2 for FY2009, to which shall be credited all fees received for advanced life support services provided by the Town of Stow, to a limit of \$40,000.00 for FY2009, to be expended by the Fire Department without further appropriation, for the purpose of payment of all costs associated with providing advanced life support ambulance services.

**ARTICLE 11. Transfer to Conservation Fund**

Voted to appropriate and transfer from the Conservation Land Maintenance Account to the Conservation Fund the sum of \$2,772.50, to be expended by the Conservation Commission.

**ARTICLE 12. Conservation Fund Addition**

Voted to raise and appropriate the sum of \$10,000.00 to be added to the balance remaining in the Conservation Fund, to be expended by the Conservation Commission.

**ARTICLE 13. Transfer from Wetlands Protection Fund**

Voted to appropriate and transfer from the Wetlands Protection Fund the sum of \$4,255.00 as additional appropriation to the Conservation Commission, to be expended by the Conservation Commission in performing its duties under the Wetlands Protection Act.

**ARTICLE 14. Agricultural Preservation Fund Addition**

Voted to raise and appropriate the sum of \$5,550.00 to be added to any balance previously appropriated, to be expended by the Agricultural Commission for the purpose of performing its duties.

**ARTICLE 15. Update of Property Valuations**

Voted to raise and appropriate the sum of \$20,000.00 to be added to any balance previously appropriated for the purpose of updating property valuations in the Town to full and fair cash value, to be expended by the Assessors.

**ARTICLE 16. Town Records Binding and Repair**

Removed from Consent Calendar and acted upon separately.

**ARTICLE 17. Election Equipment**

Voted to raise and appropriate the sum of \$8,500.00 for the purchase of polling equipment and supplies.

**ARTICLE 18. Highway Department**

Voted to raise and appropriate the sums of money for Highway Department purposes as set forth in the schedule below:

- |                                   |             |
|-----------------------------------|-------------|
| 1. For the Road Machinery Account | \$33,091.00 |
| 2. For repairs on private ways    | \$10,000.00 |

**ARTICLE 19. Highway Road Construction**

Voted to appropriate and borrow the sum of \$206,033.00 from FY2008 apportionment for construction, reconstruction and/or improvements to town roads, as requested by the Board of Selectmen; to be reimbursed by the Commonwealth.

**ARTICLE 20. Federal Safe Drinking Water Act**

Voted to raise and appropriate the sum of \$6,000.00 to be added to any balance previously appropriated for the purpose of satisfying the compliance requirements of the Federal Safe Drinking Water Act, as amended, in accordance with State regulations; to be expended under the direction of the Board of Health.

**ARTICLE 21. Household Hazardous Waste Collection**

Voted to raise and appropriate the sum of \$15,000.00 to be added to any balance remaining from the previous appropriation, to be expended under the direction of the Board of Health for the purpose of providing for household hazardous waste collection.

**ARTICLE 22. Emerson Hospital Home Care**

Voted to raise and appropriate the sum of \$2,100.00 to be added to any balance remaining from the previous appropriation, to be expended under the direction of the Board of Health for the purpose of providing home care services and communicable disease follow-up services to Stow residents.

**ARTICLE 23. Community Nurse**

Voted to transfer from the Concord Health Services Account the sum of \$6,113.00, or any other remaining balance, to be expended under the direction of the Board of Health for the purpose of creating a Community Nurse account to provide routine medical services to Stow residents.

**ARTICLE 24. Solid Waste Disposal Container**

Voted to raise and appropriate the sum of \$1,000.00 to be added to any balance remaining from the previous appropriation, to be expended under the direction of the Board of Health for the purpose of renting a container and disposing of solid waste that has been dumped on town land and roadsides.

**ARTICLE 25. Medical Reserve Corps Expenses**

Voted to raise and appropriate the sum of \$5,000.00 to be expended under the direction of the Board of Health for the purpose of providing equipment and operating expenses for the Medical Reserve Corps.

**ARTICLE 26. Stow Cultural Council**

Voted to raise and appropriate the sum of \$3,500.00 to be added to any balance remaining from previous appropriations to produce cultural activities and programming in Stow, including \$2,000.00 of these funds to be used to support Springfest activities.

**ARTICLE 27. Selectmen's Engineering/Consulting Expenses**

Voted to raise and appropriate the sum of \$20,000.00 to be added to any balance remaining and previously appropriated for this purpose, to be expended by the Board of Selectmen for engineering and consulting services including, but not limited to, the Board's implementation of the Town's Master Plan.

**ARTICLE 28. Planning Board Engineering/Consulting and Master Plan Expenses**

Voted to raise and appropriate the sum of \$5,000.00 to be added to any balance remaining and previously appropriated for this purpose, to be expended by the Planning Board for Planning Board engineering/consulting services and master plan expenses.

**ARTICLE 29. Purchase of Information Technology Equipment**

Voted to raise and appropriate the sum of \$52,530.00 to be added to any balance remaining from previous appropriation, to be expended under the direction of the Town Administrator for the purchase of computer equipment, software and services for various town departments; and to authorize the Town Administrator to sell, trade or otherwise dispose of existing equipment in connection therewith.

**ARTICLE 30. Legal Services**

Removed from the Consent Calendar and acted upon separately.

**ARTICLE 31. Police Officer & Firefighter Medical Payments**

Voted to raise and appropriate the sum of \$400.00 to be added to any balance remaining and previously appropriated, in anticipation of possible claims presented to the Town under the provisions of Mass. General Laws Chapter 41, Section 100, for the payment of medical and other allowable expenses incurred by police officers or firefighters injured in the performance of and within the scope of duty.

**ARTICLE 32. Weights and Measures Testing**

Voted to raise and appropriate the sum of \$1,600.00 to be added to any balance remaining from a previous appropriation for the purpose of funding the Town's weights and measures testing.

**ARTICLE 33. SwiftReach 911 Notification System**

Voted to raise and appropriate the sum of \$5,500.00 to be expended under the direction of the Chief of Police for the purpose of paying for a town-wide telephone emergency notification system known as SwiftReach Networks.

**ARTICLE 34. Police Station Air Conditioning**

Voted to raise and appropriate the sum of \$9,000.00 to be expended under the direction of the Chief of Police for the purpose of replacing the main air conditioning unit in the Police Station.

**ARTICLE 35. Transfer from Overlay Surplus Account**

Removed from the Consent Calendar and acted upon separately.

**ARTICLE 36. Community Preservation Expenses**

Voted to appropriate from Fiscal Year 2009 Community Preservation Fund annual revenues the sum of \$37,500.00 to be expended for wages and expenses associated with the creation, implementation and maintenance of Community Preservation programs, in accordance with the provisions of Mass. General Laws Chapter 44B, the Community Preservation Act, including but not limited to office supplies, clerical assistance, property surveys, appraisals, attorney's fees and other professional services, recording fees, printing and all other necessary and proper expenses for Fiscal Year 2009, in accordance with a budget to be prepared for the Town Administrator.

*Report of Community Preservation Committee re Article 36*

On May 5, 2008 the Community Preservation Committee voted unanimously to approve the warrant article and recommend to Town Meeting to appropriate \$37,500 for wages and expenses associated with the creation, implementation and maintenance of Community Preservation programs, in accordance with Mass. General Laws Chapter 44B, the Community Preservation Act.

**ARTICLE 37. Community Preservation Reserves**

Voted to reserve for later appropriation monies from the Community Preservation Fund Balance collected from both the Community Preservation Act Surcharge and the State Trust Fund Distribution and collected from Fiscal Year 2009 Community Preservation Fund Annual Revenues, in accordance with the undertaking of Community Preservation projects.

Preservation of Historic Resources	\$75,000.00
Preservation of Open Spaces	\$75,000.00
Affordable Housing	\$75,000.00

*Report of Community Preservation Committee re Article 37*

On February 25, 2008 the Community Preservation Committee voted unanimously to approve the warrant article and recommend to Town Meeting to appropriate \$75,000 (\$225,000 total) for each of the three reserve funds (Historic Preservation, Open Space & Recreation and Affordable Housing), in accordance with Mass. General Laws Chapter 44B, the Community Preservation Act.

===== **End of Consent Calendar** =====



#### **ARTICLE 16. Town Records Binding and Repair**

On motion of Selectman Stephen Dungan, it was voted unanimously to raise and appropriate the sum of \$200.00 to be added to any balance previously appropriated for the purpose of binding and repairing town records in accordance with Mass. General Laws Chapter 66, Section 9; to be expended by the Town Clerk.

#### **ARTICLE 30. Legal Services**

On motion of Selectman Dungan, it was voted unanimously to raise and appropriate the sum of \$40,000.00 to be added to any balance remaining from any previous appropriation for the purpose of funding the Town's general legal account.

#### **ARTICLE 35. Transfer from Overlay Surplus Account**

On motion of Selectman Dungan, it was voted unanimously to appropriate and transfer from the Town's Overlay Surplus Account the sum of \$40,000.00 for the purpose of adding \$20,000.00 to the Town's FY2008 Legal Account and for adding \$20,000.00 to the Town's FY2008 Snow and Ice Account.

#### **ARTICLE 38. Capital Requests**

On motion of Selectman Kathleen Farrell, it was voted unanimously to discuss the items of this article individually and vote upon each separately as to the amount to be appropriated for each item, as set forth in separate motions proposed.

##### **ARTICLE 38-1. Cemetery Tractor**

On motion of Selectman Jason Robart, it was voted unanimously to raise and appropriate the sum of \$12,600.00 for the purpose of purchasing a four-wheel drive diesel tractor and mower/loader combination for use by the Cemetery Department.

The Finance Committee and the Capital Planning Committee were in favor.

##### **ARTICLE 38-2. Police Cruiser**

On motion of Selectman Thomas Ruggiero, it was voted unanimously to raise and appropriate the sum of \$30,000.00 for the purpose of purchasing a police cruiser for use by the Police Department.

The Finance Committee and the Capital Planning Committee were in favor.

##### **ARTICLE 38-3. Network Domain**

On motion of Selectman Ellen Sturgis, it was voted unanimously to raise and appropriate the sum of \$19,000.00 for the purpose of purchasing a network domain for use by the Town offices.

The Finance Committee and the Capital Planning Committee were in favor.

##### **ARTICLE 38-4. Highway Department Truck**

On motion of Selectman Stephen Dungan, it was voted unanimously to appropriate and transfer from Free Cash the sum of \$40,000.00 for the purpose of purchasing a one-ton dump truck for use by the Highway Department.

The Finance Committee and the Capital Planning Committee were in favor.

##### **ARTICLE 38-5. Highway Department Dump Body**

On motion of Selectman Kathleen Farrell, it was voted unanimously to raise and appropriate the sum of \$25,000.00 for the purpose of purchasing a dump body and sander/spreader combination for use by the Highway Department.

The Finance Committee and the Capital Planning Committee were in favor.

**ARTICLE 38-6. Center School Repairs**

On motion of Selectman Jason Robart, it was voted unanimously to raise and appropriate the sum of \$20,000.00 to be expended by the Nashoba Regional School District for the purpose of making repairs to Center School.

The Finance Committee and the Capital Planning Committee were in favor.

**ARTICLE 38-7. Hale School Repairs**

On motion of Selectman Thomas Ruggiero, it was voted unanimously to appropriate and transfer from Free Cash the sum of \$62,000.00 to be expended by the Nashoba Regional School District for the purpose of making repairs to Hale Middle School.

The Finance Committee and the Capital Planning Committee were in favor.

Kathleen Farrell moved to amend the amount to \$50,000.00 to omit gymnasium floor repair. The motion failed to carry.

**ARTICLE 38-8. Town Building Third Floor**

On motion of Selectman Ellen Sturgis, it was voted by a hand count of 95 Yes to 84 No to appropriate and transfer from Free Cash the sum of \$55,000.00 to be expended under the direction of the Building Department for the purpose of finishing an area for working space on the third floor of the Town Building.

The Finance Committee and the Capital Planning Committee were not in favor.

**ARTICLE 38-9. Town Building Roof Replacement**

On motion of Selectman Stephen Dungan, it was voted unanimously to raise and appropriate the sum of \$48,000.00 to be expended under the direction of the Building Department for installing a new roof for the Town Building.

The Finance Committee and the Capital Planning Committee were in favor.

**ARTICLE 38-10. Mobile Data Terminals**

On motion of Selectman Kathleen Farrell, it was voted unanimously to appropriate and transfer from Free Cash the sum of \$36,000.00 for the purpose of purchasing mobile data terminals for emergency vehicles for use by the Fire/Rescue Department.

The Finance Committee and the Capital Planning Committee were in favor.

**ARTICLE 39. Fire Truck**

On motion of Selectman Jason Robart, it was voted unanimously to borrow the sum of \$195,000.00 to finance the repairs and improvements to Fire Engine Number 11, or to finance the purchase of a new fire truck to replace Fire Engine Number 11. Such borrowing is to be undertaken by the Treasurer, with the approval of the Selectmen, provided that an affirmative vote on this article shall be null and void and of no further effect unless the Town approves by an affirmative vote a ballot question to exempt the amount appropriated from the provisions of Proposition two and one-half, so-called.

The Finance Committee and the Capital Planning Committee were in favor.

*NOTE: The vote on ballot question 1 at the May 13, 2008 annual town election was in the affirmative.*

**ARTICLE 40. Nashoba Regional High School Track & Field Rehabilitation**

Prior to a motion on this article, School District Committee member Brian Burke informed the meeting that the Bolton town meeting had failed to vote affirmatively on the article that sought to approve



indebtedness of \$1,280,000 as authorized by the Regional School District Committee for the purpose of constructing a synthetic turf field and new track at the high school. A conference ensued among the district officials, the Selectmen and Town Counsel regarding procedure at this point. All three towns of the district must approve to allow the proposal to move forward. Bolton has closed its meeting, so there is no chance of reconsideration.

On motion of Selectman Ellen Sturgis, it was voted unanimously to **take no action** on Article 40.

On motion of Selectman Stephen Dungan, the meeting was adjourned at 10:28 p.m. to reconvene on Tuesday, May 6, 2008 at 7:00 p.m. in Hugh Mill Auditorium at Hale School.

### **MAY 6, 2008 (Second Session)**

Deputy Moderator Gary Horowitz called to order the second session of the annual town meeting at 7:00 p.m. in Hugh Mill Auditorium at Hale School.

A report on progress achieved at the first session was reviewed. Town officials and others were again introduced.

Robert Wilber, chair of the Community Preservation Committee, presented an overview of that body and introduced its members. CPC funds are to be designated for affordable housing, historic preservation and open space and recreation. There has been a 100% match each year of those monies realized from the 3% surcharge on real estate tax bills. Mr. Wilber reviewed the various projects that were funded through the fund, and those projects to be considered at this meeting.

#### **ARTICLE 41. Stone Wall Restoration at Lower Village Cemetery**

On motion of Selectman Thomas Ruggiero, it was voted unanimously to appropriate and transfer the sum of \$19,500.00 from the Community Preservation Fund Reserve for Historic Preservation purposes, in accordance with the provisions of Mass. General Laws Chapter 44B, the Community Preservation Act, to be expended under the direction of the Cemetery Committee, in consultation with the Historical Commission, for the reconstruction and rehabilitation of stone walls at the Lower Village Cemetery, including the wall along Pompositticut Street and continuing behind the cemetery.

The Finance Committee and the Capital Planning Committee were in favor.

#### *Report of the Community Preservation Committee*

On February 25, 2008 members from the Community Preservation Committee voted unanimously to approve the warrant article and recommend to Town Meeting that \$19,500 be expended from the Community Preservation Historic Reserve Fund for a Stone Wall Restoration Project, in accordance with Mass. General Laws Chapter 44B, the Community Preservation Act.

#### **ARTICLE 42. Assabet River Rail Trail - Sudbury Road to White Pond Road**

Selectman Stephen Dungan moved that the Town vote to appropriate and transfer the sum of \$227,000.00 from the Community Preservation Unreserved Fund Balance, to be expended under the direction of the Community Preservation Committee, in consultation with the Stow Assabet River Rail Trail Committee, in accordance with the provisions of Mass. General Laws Chapter 44B, the Community Preservation Act, for the purchase of an interest in certain land between Sudbury Road and White Pond Road formerly owned by the Boston & Maine Railroad and shown on a plan marked "Land in Stow and Maynard, Mass., Boston and Maine Railroad - to George Morey, J. F. Kerwin, Asst. Chief Engineer, June 1961", recorded with the Middlesex Registry of Deeds in Book 9920, Page 557, or any portion thereof, either in fee simple or as an easement of approximately 9,900 feet in length along the former railroad roadbed and suitable for the construction of a portion of the Assabet River Rail Trail and for public

access, including legal, appraisal, engineering and other costs or fees incidental thereto; and further to authorize the Selectmen to apply for, accept and expend any and all grants, gifts, transfers, and/or reimbursement available for such acquisition, and to enter into any and all agreements and execute any and all documents as may be necessary or appropriate to accomplish the purpose of this article.

Donald Rising of the River Rail Trail Committee spoke about the project that has been in planning for many years. The Hudson-to-Marlborough section has been constructed and is in use. This easement of approximately 1.7 miles is essential to complete the trail through Stow. Options for connection to the Hudson terminus are being pursued. A federal grant of \$40,000 is expected.

The Finance Committee was in support of the article in spite of the purchase price being in excess of the assessed value.

#### *Report of the Community Preservation Committee*

On March 3, 2008 members from the Community Preservation Committee voted unanimously to approve the warrant article and recommend to Town Meeting that \$227,000 be expended from the Community Preservation Unreserved Fund Balance for the Albright Rail Trail Easement in accordance with Mass. General Laws Chapter 44B, the Community Preservation Act.

Daniel Barstow of Pine Point Road moved to amend by adding the following language at the end of the main motion: "To sustain the open and rural character of Stow and celebrate the scenic and fragile beauty of the Assabet River, this land shall be maintained in its current state, with the trail accessible as an unpaved walking trail. This option is in compliance with "Rail Trail" guidelines, provides public access to this beautiful and serene trail, and avoids the costs of development, environmental impact and upkeep requirements of paving, fencing, parking, security, litter and other potential build-outs."

Discussion ensued. The question was raised as to whether the motion to amend was within the "four corners" of the original motion that deals with acquisition of an easement. Mr. Rising pointed out that the acceptance of federal funds will require that the surface be wheelchair accessible with paving. The amendment could put in jeopardy federal funds. Others added that a paved surface would be more acceptable for walkers, strollers, bicycles, etc. The Finance Committee recommended against the amendment due to unintended side effects.

A call for the question (amendment) was made and passed. A vote on the motion to amend was taken, and it **did not carry**. There was a call for the question on the original motion, but it failed to carry by the necessary two-thirds. Discussion continued for a short time.

Finally, a vote was taken on Mr. Dungan's motion. The **main motion carried** by a vote declared by Moderator Horowitz to be more than the two-thirds required.

#### **ARTICLE 43. Senior Tax Relief**

On motion of Selectman Kathleen Farrell, it was voted to accept the provisions of Section 4 of Chapter 73 of the Acts of 1986, as amended by Chapter 126 of the Acts of 1988, and further to act under the aforesaid statutes to increase by 100 percent the amount of property tax exemption granted to persons who qualify for said exemption under clauses 17, 17C, 17D, 22, 22A, 22B, 22C, 22D, 22E, 37, 37A, 41, 41B and 41C of Section 5 of Chapter 59 of the Mass. General Laws and Acts and amendments thereof or additions thereto, for FY 2009.

The Finance Committee was in favor of the article.

#### **ARTICLE 44. Municipal Affordable Housing Trust**

On motion of Selectman Jason Robart, it was voted unanimously, as amended, to accept the governance provisions of the Town of Stow Municipal Affordable Housing Trust, to read in its entirety as

printed in the handout, and amend the General Bylaws by adding a new Section 18 to Article 3, Town Affairs, to read as printed in the handout.

The amendment to add the following language to Section G. Acts of Trustees, was passed unanimously: "Any single borrowing shall be capped at \$200,000."

### **SECTION 18. Municipal Affordable Housing Trust**

There shall be a Municipal Affordable Housing Trust, the purpose of which shall be to provide for the preservation and creation of affordable housing in the Town of Stow for the benefit of low- and moderate-income households. The Trust shall be governed by Trustees in accordance with Mass. General Laws Chapter 44, Section 55C and the authority granted by Town Meeting, as revised from time to time.

Pursuant to a vote at the Stow 2005 Annual Town Meeting and pursuant to the provisions of Mass. General Laws Chapter 44, Section 55C adopted at the Stow 2005 Annual Town Meeting, the Town of Stow hereby establishes the specific powers of the Stow Municipal Affordable Housing Trust for the benefit of all of the inhabitants of the Town of Stow in the manner and under the terms and conditions set forth herein. To the extent that this Article is in conflict with Article 38 of the 2005 Annual Town Meeting, the terms, conditions and enabling authority of this Article shall control.

A. Name of the Trust

The Trust shall be called the "Stow Municipal Affordable Housing Trust", herein referred to as the Trust.

B. Purpose

The purpose of the Trust shall be to provide for the preservation and creation of affordable housing in the Town of Stow for the benefit of low- and moderate-income households.

C. Tenure of Trustees

There shall be a Board of Trustees consisting of seven Trustees who shall be appointed by the Board of Selectmen. One of the Trustees shall be a member of the Board of Selectmen. Only persons who are residents of the Town of Stow shall be eligible to hold the office of Trustee. The chairman of the Town of Stow Local Housing Partnership shall be an ex-officio member with no right to vote. Trustees shall serve for a term of two years, except that three of the initial trustee appointments shall be for a term of one year. The Board of Selectmen may reappoint trustees for succeeding terms, and there is no limit on the number of terms that a Trustee can serve. Any Trustee may resign by written instrument signed and acknowledged by such Trustee and duly filed with the Town Clerk. If a Trustee shall die, resign, or for any other reason cease to fulfill the duties of a Trustee hereunder before his/her term of office expires, a successor shall be appointed by the Board of Selectmen to fill the remainder of the term of such vacancy provided that said appointment and acceptance in writing by the newly appointed Trustee are filed with the Town Clerk. Upon the appointment of any Trustee and the filing of such appointment with the Town Clerk, the title to the Trust estate shall thereupon and without the necessity of any conveyance be vested in such succeeding Trustee jointly with the remaining Trustees. Reference to the Trustee shall mean the Trustee or Trustees for the time being hereunder. Trustees may be removed at any time for cause by a majority vote of the Board of Selectmen following a properly noticed public hearing. Cause shall include, but not be limited to, violation of any local, state, or federal law; non-participation in business of the Trust; incapacity to perform the duties of a Trustee; acts of the Trustee, that in the opinion of the Board of Selectmen, are negligent or detrimental to the Town of Stow or the Trust.

D. Meetings of the Trust

The Trust shall meet at least quarterly at such time and at such place as the Trustees shall determine. Notice of all meetings of the Trust shall be given in accordance with the provisions of the Open Meeting Law, Mass. General Laws Chapter 39, Sections 23A, 23B and 23C. A quorum at any

meeting shall be a majority of the Trustees qualified and present in person. Minutes of all meetings shall be kept with the Town Clerk in accordance with the provisions of the Open Meeting Law, Mass. General Laws Chapter 39, Sections 23A, 23B and 23C.

E. Powers of Trustees

The Powers of the Trust shall be the following, except that any purchase, sale, lease, exchange, transfer or conveyance of any interest in real property is subject to a two-thirds (2/3rds) vote of the Trustees:

- (1) to accept and receive property, whether real or personal, by gift, grant, devise, or transfer from any person, firm, corporation or other public or private entity, including without limitation grants of funds or other property tendered to the Trust in connection with provisions of any zoning bylaw or any other bylaw;
- (2) to purchase and retain real or personal property, including without restriction investments that yield a high rate of income or no income;
- (3) to sell, lease, exchange, transfer or convey any personal, mixed, or real property at public auction or by private contract for such consideration and on such terms as to credit or otherwise and to make such contracts and enter into such undertakings relative to trust property as the Trust deems advisable notwithstanding the length of any such lease or contract;
- (4) to execute, acknowledge and deliver deeds, assignments, transfers, pledges, leases, covenants, contracts, promissory notes, releases and other instruments sealed or unsealed, necessary, proper or incident to any transaction in which the Board engages for the accomplishment of the purposes of the Trust;
- (5) to employ advisors and agents, such as accountants, appraisers and lawyers as the Trust deems necessary;
- (6) to pay reasonable compensation and expenses to all advisors and agents and to apportion such compensation between income and principal as the Trust deems advisable;
- (7) to apportion receipts and charges between incomes and principal as the Trust deems advisable, to amortize premiums and establish sinking funds for such purpose and to create reserves for depreciation, depletion or otherwise;
- (8) to participate in any reorganization, recapitalization, merger or similar transactions; and to give proxies or powers of attorney with or without power of substitution to vote any securities or certificates of interest and to consent to any contract, lease, mortgage, purchase or sale of property, by or between any corporation and any other corporation or person;
- (9) to deposit any security with any protective reorganization committee and to delegate to such committee such powers and authority with relation thereto as the Trust may deem proper and to pay out of Trust property, such portion of expenses and compensation of such committee as the Trust may deem necessary and appropriate;
- (10) to borrow money on such terms and conditions and from such sources as the Board deems advisable, to mortgage and pledge trust assets as collateral;
- (11) to carry property for accounting purposes other than acquisition date values;
- (12) to make distributions or divisions of principal in kind;

- (13) to comprise, attribute, defend, enforce, release, settle or otherwise adjust claims in favor or against the Trust, including claims for taxes and to accept any property, either in total or partial satisfaction of any indebtedness or other obligation and subject to the provisions of state statutes, to continue to hold the same for such period of time as the Trust may deem appropriate;
- (14) to manage or improve real property and to abandon any property which the Trust determines not to be worth retaining;
- (15) to hold all or part of the Trust property un-invested for such purposes and for such time as the Trust may deem appropriate;
- (16) to extend the time for payment of any obligation to the Trust; and
- (17) to adopt rules and regulations governing the conduct of the Trust and the Trustees, consistent with the General Laws.

F. Funds Paid to the Trust

Notwithstanding any general or special law to the contrary, all monies paid to the Trust in accordance with any Town of Stow zoning bylaw, exaction fee, or private contribution shall be paid directly into the Trust and need not be appropriated or accepted and approved into the Trust.

Funds appropriated by the Town of Stow Town Meeting for payment into the Trust become Trust property and these funds need not be further appropriated to be expended except as set forth in paragraph E herein. All monies remaining in the Trust at the end of any fiscal year, whether or not expended by the Trust, remain Trust property. The Trust shall comply with any conditions stipulated in the article's motion for monies appropriated by the Stow Town Meeting.

G. Acts of Trustees

A majority of Trustees may exercise any or all of the powers of the Trustees hereunder, unless otherwise provided, and may execute on behalf of the Trustees any and all instruments with the same effect as though executed by all the Trustees. No Trustee shall be required to give bond. No license of court shall be required to confirm the validity of any transaction entered into by the Trustees with respect to the Trust Estate. Any expenditure by the Trust to any one party in a cumulative amount exceeding \$200,000.00 or any borrowing (capped at \$200,000.00) or donations to any charitable organization by the Trust shall also be approved by a majority vote of the Board of Selectmen prior to finalizing the transaction. Any single borrowing shall be capped at \$200,000.00.

H. Liability

Neither the Trustees nor any agent or office of the Trust shall have the authority to bind the Town of Stow, except in the manner specifically authorized herein. The Trust is a public employer and the Trustees are public employees for the purposes of General Laws Chapter 268A. The Trust shall be deemed a municipal agency and the Trustees special municipal employees for the purposes of General Laws Chapter 268A. The Trustees shall be provided the same scope and degree of municipal insurance coverage as is provided to other appointed board and commission members within the Town of Stow.

I. Taxes

The Trust is exempt from General Laws Chapter 59 and 62, and from any other provisions concerning payment of taxes based upon or measured by property or income imposed by the Commonwealth or any subdivision thereto.

- J. Custodian of Funds  
The Town of Stow Treasurer shall be the custodian of the funds of the Trust. The books and records of the Trust shall be audited annually by an independent auditor in accordance with accepted accounting practices for municipalities. Cost associated with the independent audit shall be borne by the Trust.
- K. Governmental Body  
The Trust is a governmental body for purposes of Section 23A, 23B and 23C of General Laws Chapter 39.
- L. Board of the Town  
The Trust is a board of the Town for purposes of General Laws Chapter 30B and Section 15A of General Laws Chapter 40; but agreements and conveyances between the Trust and agencies, boards, commissions, authorities, departments and public instrumentalities of the Town shall be exempt from said Chapter 30B.
- M. Duration of the Trust  
This Trust shall be of indefinite duration until terminated by a vote of the Stow Town Meeting. Upon termination of the Trust, subject to the payment of or making provisions for the payment of all obligations and liabilities of the Trust and the Trustees, the net assets of the Trust shall be transferred to the Town of Stow and held by the Board of Selectmen for affordable housing purposes. In making any such distribution, the Trustees may, subject to the approval of the Board of Selectmen, sell all or any portion of the Trust property and distribute the net proceeds thereof to the Town of Stow. The powers of the Trustees shall continue until the affairs of the Trust are concluded. Once the Stow Town Meeting has voted to terminate the Trust, the Board of Selectmen shall approve all financial transactions made on behalf of the Trust.
- N. Registry of Deeds  
The Board of Selectmen may authorize the Trustees to execute, deliver and record with the Registry of Deeds any documents required for any conveyance authorized hereunder.
- O. Titles  
The titles to the various Articles herein are for convenience only and are not to be considered part of said Articles nor shall they affect the meaning or the language of any such Article.
- P. Compensation of Trustees  
Trustees shall not receive a salary, stipend, bonus or other means of compensation for their service as a Trustee, nor shall they be eligible for any benefits from the Town of Stow. Trustees may be compensated for reasonable out-of-pocket expenses for travel and other Trust-related expenses. All such out-of-pocket expenses shall be fully documented with receipts for expenses prior to payment by the Trust.
- Q. Amendments  
The provisions of this Trust can only be amended by a vote of the Stow Town Meeting.
- R. Conflicts of Interest  
The Trust shall be considered a public employer and the Trustees shall be subject to the conflict of interest provisions of General Laws Chapter 268A.
- S. Annual Report  
The Trustees shall prepare an annual report describing the activities of the Trust on a calendar year basis. The annual report shall be submitted to the Stow Board of Selectmen by February 12th of each year. The annual report shall list all financial transactions conducted by the Trust including all revenues and costs, provide a balance sheet of liabilities and assets of the Trust, list an inventory of



all affordable housing units created, sold, and/or managed by the Trust, and any other pertinent information related to the business of the Trust. Ten paper copies and an electronic copy of the annual report shall be submitted to the Board of Selectmen.

#### **ARTICLE 45. Street Acceptance - Farm Road**

On motion of Selectman Thomas Ruggiero, it was voted unanimously to accept the laying out of the following named street and establish it as a town way, together with all drainage and other easements related thereto and included in the Order of Layout, the boundaries and measurements shown on the plan referred to in the description, which plan shall be included in the Order of Layout of the Selectmen to be adopted with respect to such way and related easements and filed in the office of the Town Clerk in accordance with the provisions of Mass. General Laws Chapter 82, Section 21-23:

**Farm Road** in Stow, Middlesex County, Massachusetts, as shown on the following plans of land:

- Plan entitled "Definitive Subdivision Plan, Stow, Massachusetts, Red Acre Estates", prepared by Neponset Valley Survey Associates, Inc., and Joseph R. Henry & Associates, Inc., dated January 14, 1988, revised March 4, 1988, and revised March 23, 1988, recorded with Middlesex South District Registry of Deeds as Plan No. 1227 of 1988 in Record Book 19226, Page 551.
- Plan entitled "Plan of Land in Stow, Mass. Owned by Quality Homes Realty Trust", dated December 21, 1988, revised on January 27, 1989, by David W. Perley, C.E., recorded with Middlesex South District Registry of Deeds as Plan No. 266 of 1989 in Record Book 19701, Page 191.
- Plan entitled "Plan of Land in Stow, Mass. Owned by Quality Homes Realty Trust", dated March 8, 1989 by David W. Perley, C.E., recorded with Middlesex South District Registry of Deeds as Plan No. 267 of 1989 in Record Book 19701, Page 192.

And to authorize the Selectmen to acquire by purchase, eminent domain, gift or otherwise for highway purposes the fee or any lessor interests that may be necessary for such town ways.

#### **ARTICLE 46. Street Acceptance - Militia Circle**

On motion of Selectman Ellen Sturgis, it was voted unanimously to accept the laying out of the following named street and establish it as a town way, together with all drainage and other easements related thereto and included in the Order of Layout, the boundaries and measurements shown on the plan referred to in the description, which plan shall be included in the Order of Layout of the Selectmen to be adopted with respect to such way and related easements and filed in the office of the Town Clerk in accordance with the provisions of Mass. General Laws Chapter 82, Section 21-23:

**Militia Circle** in Stow, Middlesex County, Massachusetts, as shown on the following plans of land:

- Plan entitled "Definitive Subdivision Plan, Stow, Massachusetts, Red Acre Estates", prepared by Neponset Valley Survey Associates, Inc., and Joseph R. Henry & Associates, Inc., dated January 14, 1988, revised March 4, 1988, and revised March 23, 1988, recorded with Middlesex South District Registry of Deeds as Plan No. 1227 of 1988, in Record Book 19336, Page 551.
- Plan entitled "Plan of Land in Stow, Mass. Owned by Quality Homes Realty Trust", dated December 21, 1988, revised on January 27, 1989, by David W. Perley, C.E., recorded with Middlesex South District Registry of Deeds as Plan No. 266 of 1989 in Record Book 19701, Page 191.
- Plan entitled "Plan of Land in Stow, Mass. Owned by Quality Homes Realty Trust", dated March 8, 1989 by David W. Perley, C.E., recorded with Middlesex South District Registry of Deeds as Plan No. 267 of 1989 in Record Book 19701, Page 192.

And to authorize the Selectmen to acquire by purchase, eminent domain, gift or otherwise for highway purposes the fee or any lessor interests that may be necessary for such town ways.

#### **ARTICLE 47. Street Acceptance - Whispering Way (portion)**

On motion of Selectman Stephen Dungan, it was voted unanimously to accept the laying out of the following named street from Station 0+48.16 to Station 9+85.83 and establish it as a town way, together with all drainage and other easements related thereto and included in the Order of Layout, the

boundaries and measurements shown on the plan referred to in the description, which plan shall be included in the Order of Layout of the Selectmen to be adopted with respect to such way and related easements and filed in the office of the Town Clerk in accordance with the provisions of Mass. General Laws Chapter 82, Section 21-23:

**Whispering Way** in the Wildlife Woods Subdivision in Stow, Middlesex County, Massachusetts, as shown on a plan of land entitled "Definitive Subdivision Plan, Wildlife Woods, Stow, Massachusetts", prepared for Bentley Builders, dated May 15, 1997 and revised through October 27, 1999, which plan is recorded with Middlesex South District Registry of Deeds as Plan No. 1013 of 2000 in Record Book 31831, Page 286.

And to authorize the Selectmen to acquire by purchase, eminent domain, gift or otherwise for highway purposes the fee or any lessor interests that may be necessary for such town ways.

#### **ARTICLE 48. General Bylaw Amendment - Animal Control**

Selectman Kathleen Farrell moved that the Town vote to amend the General Bylaws by amending Article 6 (Police Regulations), Section 7, Animal Control, to read in its entirety as printed in the warrant.

Marcia Rising of the Board of Health pointed out the amendments that change certain portions of the existing bylaw. One notable change is that the Board of Health, as appointing authority of the Animal Control Officer, will henceforth hold hearings on dog matters rather than the Board of Selectmen.

Douglas Moffat moved to amend by retaining from Definitions, Public Nuisance, 1., the words, "*between the hours of 7:00 AM and 8:00 PM*", so as to read "Is found at large between the hours of 7:00 AM and 8:00 PM". Ms. Rising explained the reason for striking out those words is that dogs should be under the control of the owner, either by voice command or other means, at all times. Dogs risk injury or worse if allowed to roam after dark. Discussion ensued on the proposed amendment. When put to a vote, Mr. Moffat's motion to amend **did not carry**.

A voter moved to amend by striking from Definitions, Dangerous/Vicious Dog, 1. "Molests and/or intimidates pedestrians or passersby". Discussion on the proposed amendment continued until a call for the question, which passed unanimously. When put to a vote, the motion to amend **did not carry**.

The **main motion carried** by a unanimous vote.

### **ARTICLE 6. POLICE REGULATIONS**

#### **SECTION 7. Animal control**

##### **a. Definitions**

**Adoption:** The delivery of a cat, dog, or other animal to any person eighteen (18) years of age or older for the purpose of harboring the animal as a pet.

**Animal:** Every non-human species of animal, both domestic and wild, living or deceased.

**Animal Control Officer:** Any officer appointed by the Board of Health to enforce this bylaw.

**Animal Shelter:** Any facility or kennel operated by a humane society, the town, or its authorized agents for the purpose of impounding animals under the authority of this bylaw or state law for care, confinement, return to owner, adoption, or euthanasia.

**At Large:** Any dog shall be deemed to be at large when it is off the premises of its owner or keeper, and not under the direct control of a person demonstrating the ability to properly control the dog.



**Commercial Kennel:** A kennel maintained as a business established for, or to include, the boarding, grooming, breeding, or sale of dogs.

**Dangerous/Vicious Dog:** Any dog that attacks, bites, injures, or kills humans or domestic animals without provocation; or which, because of temperament, conditioning or training, has a known propensity to attack, bite, injure or kill humans or domestic animals. The term "dangerous/vicious dog" shall mean and include, but is not limited to, any dog that:

1. Molests and/or intimidates pedestrians or passersby;
2. Has bitten and/or attacked any person;
3. Has bitten, attacked or killed other domestic animals;
4. Has been found by the Board of Health, after notice to its owner or keeper and a public hearing to be a dangerous/vicious dog by virtue of being a menace to public health, safety or welfare.

**Keeper:** Any person, corporation or society, other than the owner, harboring or having in his possession any dog.

**Kennel:** More than three (3) dogs six (6) months or age or older on a single private premise.

**License Period:** The time between January first of any year to December thirty-first of the same year, both dates inclusive.

**Livestock or Fowl:** Animals or fowl kept or propagated by the owner for food or as means of livelihood; also deer, elk, cottontail rabbits, northern hares, pheasants, quail, partridge and other birds, and quadrupeds determined by the Department of Fisheries and Wildlife and Environmental Law Enforcement to be wild, and kept by or under a permit from said department(s) in proper housing and/or suitably enclosed yards. Such definition shall not include dogs, cats or other pets.

**Owner:** Any person, partnership or corporation in whom is vested the ownership, dominion or title of one or more animals.

**Public Nuisance:** Any dog that unreasonably annoys humans, endangers the life or health of other animals or person(s), or substantially interferes with the rights of citizens, other than its owner(s), to the enjoyment of life or property. The term "public nuisance" shall mean and include, but is not limited to any dog that:

1. Is found at large;
2. Damages the property of anyone other than its owner or keeper;
3. Excessively makes disturbing noises, including but not limited to continued and repeated howling, barking, whining or other utterances causing unreasonable annoyance, disturbances or discomfit to neighbors or others in close proximity to the premises where the dog is kept or harbored;
4. Is found off the owner's property and not wearing a current tag.

#### **b. 1. Individual Licenses and Tags**

A person residing in the town of Stow who at the beginning of the license period is, or who during a license period becomes, the owner or keeper of a dog six (6) months old or over, will cause the dog to be licensed within thirty (30) days. The Town Clerk shall issue dog licenses and tags on a form. The Town shall permit licensing through the mail.

Any owner or keeper of a dog who moves into the town of Stow, and has a valid current dog license from another municipality in the Commonwealth of Massachusetts shall within thirty (30) days obtain a dog license upon the forfeiture of the old license and a fee of one dollar (\$1.00).

On the license form the Town Clerk shall record the name, address and telephone number of the owner or keeper of the dog and the name, breed, color, gender and age of the dog. Each tag issued will be valid for the specific animal described on the form and is not transferable. The tag will include the license number, the phrase "Town of Stow" and the year of issue.

The owner or keeper of a dog shall cause each dog, when off the premises of such owner or keeper, to wear around its neck or body a collar or harness to which he/she shall securely attach the license tag. In the event of loss of tag, a substitute tag will be issued by the Town Clerk for a fee of two dollars (\$2.00).

The Town Clerk shall not issue a license for any dog unless the owner or keeper provides the Town Clerk with a veterinarian's certificate verifying the dog is currently vaccinated against rabies.

The fee for each dog licensed shall be ten dollars (\$10.00), either male or female, neutered or spayed. The Town Clerk shall charge a late fee of twenty-five dollars (\$25.00) for every dog license issued after the fifteenth of April as defined in the General Bylaws Article 3, Section 10.

Upon presentation to the Town Clerk of a certificate of training, no fee shall be charged for a dog specially trained and used to assist, lead or serve a physically or mentally challenged person.

#### **b. 2. Commercial Kennel License**

A kennel maintained as a business for the boarding, grooming, breeding or sale of dogs shall be subject to the provisions of the Zoning Bylaw, Section 3.2.2.5. Upon approval of the Zoning Board of Appeals, a commercial kennel license may then be obtained upon written application to the Town Clerk. The fee for such kennel license shall be thirty-five dollars (\$35.00) for no more than four (4) dogs, sixty dollars (\$60.00) for five (5) to ten (10) dogs, and one hundred dollars (\$100.00) for more than ten (10) dogs. Each kennel shall be available for inspection by the Animal Control Officer, a police officer or the Stow Board of Health at any time to ascertain compliance with all state, county and local laws and bylaws. The late fee for a kennel license is 2.5 times the license fee.

The Town Clerk shall issue a kennel license without charge to any charitable corporation incorporated exclusively for the purpose of protecting animals from cruelty, neglect, or abuse and for the relief of suffering animals.

A veterinary clinic within the town of Stow shall not be considered a commercial kennel unless it contains an area for grooming or selling of dogs or for boarding of dogs for other than medical purpose.

Any person or corporation maintaining a kennel for thirty (30) days without a proper license shall be in violation of this provision.

#### **b. 3. Kennel License**

Every person maintaining a kennel shall have a kennel license. (Chapter 140, Section 137A Kennel Licenses, Mass. General Laws) The late fee for a kennel license is 2.5 times the license fee. The fee for such kennel license shall be thirty-five dollars (\$35.00) for no more than four (4) dogs, sixty dollars (\$60.00) for five (5) to ten (10) dogs, and one hundred dollars (\$100.00) for more than ten (10) dogs.

#### **c. Vaccination of Dogs and Cats Against Rabies**

Under Section 145B of Chapter 150 of the Massachusetts General Laws, the owner or keeper of a dog or cat six (6) months of age or older shall cause the dog or cat to be properly vaccinated against

rabies by a licensed veterinarian. Upon vaccination the veterinarian shall issue a tag, which shall show the year the vaccination was given, a rabies tag number, and the name of the veterinary clinic or hospital. The owner/keeper of unvaccinated dogs or cats living in or brought into the Town of Stow shall be punished by a fine to be determined by the Animal Control Officer of not more than fifty dollars (\$50.00), which shall be paid to the Town of Stow.

**d. Enforcement/Impoundment**

It shall be the duty of the Animal Control Officer, or any other person appointed by the Board of Health, to cite and/or impound any dog found running at large or any dog that is a public nuisance. Such animal shall be held at an authorized animal shelter, returned to owner, adopted, or euthanized as described in Chapter 140, Section 151A of the Massachusetts General Laws. The Officer that so impounds any animal shall keep a record of each animal so impounded which shall contain the following information: breed, color and sex of the animal, distinctive markings or characteristics of the animal; name and address of the owner (if known) along with the license number; the final disposition of the animal, the name, address, phone number of any person adopting such dog; and if destroyed, method and name of technician who administered euthanasia. Such records shall be kept by the Animal Control Officer for a period of twelve (12) months from date of impoundment. A copy shall be forwarded to the Board of Health upon disposition of the animal, and the Board of Health shall retain copies as provided by law.

**e. Violations/Penalties**

The Animal Control Officer, any police officer of the Town of Stow, or any other person so appointed by the Board of Health, may impose a fine upon the owner or keeper of a dog so found to be at large, dangerous or a public nuisance. Such fines shall not be more than twenty-five dollars (\$25.00) for the first offense, nor more than fifty dollars (\$50.00) for the second offense, and not more than the maximum allowed by law for subsequent offense(s).

**f. Boarding Fees**

An owner or keeper of any dog so impounded for violation of this bylaw shall, in addition to any applicable fees and penalties, pay to the Town of Stow a pick up fee of ten dollars (\$10.00) per dog and fifteen dollars (\$15.00) per day while such dog is impounded, nor more than the actual cost to the Town of Stow for the boarding and care of such animal in any commercial kennel or animal hospital.

**g. Redemption of Dogs**

The owner or keeper of a dog so impounded may claim the dog as provided by law upon the occurrence of the following:

1. The owner or keeper presents a valid dog license and certificate of rabies vaccination;
2. The owner or keeper pays all boarding and other fees;
3. The owner or keeper gives his/her name and address;
4. If the dog does not have a current rabies vaccination, the owner or keeper must present a receipt from a licensed veterinarian showing prepayment of a rabies vaccination;
5. If the dog is unlicensed, the owner must secure or pay for a license before redemption.

**h. Vicious or Barking Dogs; Other Applicable Sections of General Laws**

The provisions of Massachusetts General Laws Chapter 140, Sections 157 and 158 shall be applicable to vicious or barking dogs and all other applicable sections of Chapter 140 or other sections of the General Laws or rules and regulations adopted thereunder pertaining to dogs, or to

any animals as may be regulated by law, shall apply and be enforceable by the Town, as if said sections were fully set forth herein.

**i Emergency Fees for Dogs and Cats Injured on Public Ways**

Any veterinarian who renders emergency care or treatment to, or disposes of any dog or cat injured on any public way in the Town of Stow shall receive payment of costs from the owner of such dog or cat, if known or, if not known, shall receive the sum of sixty dollars (\$60.00) from the Town of Stow for such care, treatment and/or disposal.

Care, treatment and/or disposal shall be for the purpose of maintaining life, stabilizing the animal or alleviating pain or suffering until the owner of such dog or cat is identified, or for a period of twenty-four (24) hours, whichever is sooner. Any veterinarian who renders such emergency care or treatment to, or euthanizes or disposes of such dog or cat shall notify the Animal Control Officer of Stow and, upon notification, the Animal Control Officer shall assume control of such dog or cat.

**ARTICLE 49. Zoning Bylaw Amendment - Wireless Communications Facilities Moratorium**

On motion of Selectman Jason Robart, it was voted unanimously to amend the Zoning Bylaw by deleting Section 3.12 in its entirety, as printed in the warrant.

*Report of the Planning Board*

This article proposes to delete the Wireless Communications Facility Moratorium section (3.12) of the Zoning Bylaw, which no longer is necessary as the Wireless Communications Facility Bylaw has since been replaced with the Wireless Service Facility Bylaw (Section 5.3). At its meeting of April 1, 2008 the Planning Board voted to recommend that Town Meeting ADOPT the proposed amendment to delete Section 3.12, as printed in the warrant.

**ARTICLE 50. Zoning Bylaw Amendment - Front, Rear and Side Yards**

Selectman Thomas Ruggiero moved to amend the Zoning Bylaw Sections 4.3.2.6 and 4.3.2.7 to read in their entirety as stated in subsections (A), (B) and (D) of this article, as printed in the warrant, and to take no action on subsection (C).

*Report of the Planning Board*

This article is meant to clarify the inconsistencies between the dimensional setback requirements of the Zoning Bylaw and Board of Health regulations pertaining to septic systems and Building Code requirements pertaining to buildings and structures not requiring a building permit, and removing side and rear setback requirements for driveways. At its meeting of April 1, 2008 the Planning Board voted to recommend that Town Meeting:

- Adopt the proposed amendment to Section 4.3.2.6 by changing subsection letters a), b) and c) to numbers 1), 2) and 3) and adding a new subsection 4), as printed in Article 50, subsection A of the warrant.
- Adopt the proposed amendment to Section 4.3.2.7 by adding a new subsection 1), as printed in Article 50, subsection B of the warrant.
- Move No Action on the proposed amendment to Section 4.3.2.7 by adding a new subsection 2), as printed in Article 50, subsection C of the warrant.
- Adopt the proposed amendment to Section 4.3.2.7 by adding a new subsection 3), as printed in Article 50, subsection D of the warrant.

Malcolm FitzPatrick moved to amend Section 4.3.2.6, 4) to read, "Septic system STRUCTURES which are totally at or below the existing ground surface level are allowed within the FRONT YARD and shall comply with requirements established by the Board of Health."

Discussion ensued. Ernest Dodd of the Planning Board pointed out that septic systems and their placement are an issue for the Board of Health. The language of the Board's proposed amendment refers those structures to the Board of Health requirements. The vote on Mr. FitzPatrick's motion to amend **did not carry** by a vote of Yes 29 and No 33.

Following more discussion, there was a call for the question, which passed unanimously.

The vote on the **main motion carried** by more than a two-thirds majority, as declared by the Moderator.

**(A) Amend Section 4.3.2.6 by changing subsection letters a), b) and c) to numbers 1), 2) and 3), and adding a new subsection 4) to read in its entirety as stated below:**

- 4.3.2.6 Front YARDS - Front YARDS shall be the distance measured in a straight line between the LOT frontage and the nearest point of any BUILDING or STRUCTURE, excluding roof overhangs. Roof overhangs shall not extend further than two feet into the minimum required front YARD.
- 1) A LOT having frontage on two or more STREETS shall have two or more front YARDS, each of which shall comply with the requirements of the front YARD provisions.
  - 2) In no case shall any BUILDING or STRUCTURE be located closer to the sideline of a STREET than the minimum required front YARD.
  - 3) Driveways are allowed with FRONT YARDS.
  - 4) Septic system STRUCTURES are allowed within the FRONT YARD and shall comply with requirements established by the Board of Health.

**(B) Amend Section 4.3.2.7 by adding a new subsection 1) to read in its entirety as stated below:**

- 1) Septic system STRUCTURES are allowed within the SIDE and REAR YARD and shall comply with requirements established by the Board of Health.

**(C) Amend Section 4.3.2.7 by adding a new subsection 2)**

NO ACTION

**(D) Amend Section 4.3.2.7 by adding a new subsection 3) to read in its entirety as stated below:**

- 3) Driveways are allowed within the SIDE and REAR YARD setbacks.

#### **ARTICLE 51. Zoning Bylaw Amendment - Historic Buildings and Structures/Wireless Service Facility**

On motion of Selectman Ellen Sturgis, it was voted unanimously to amend the Zoning Bylaw Section 5.3.7.6 by deleting the word "STRUCTURE" in subsection b. and inserting the words "BUILDING or STRUCTURE" in its place, and by changing subsection letters a. and b. to numbers 1) and 2), to read in their entirety as printed in the warrant.

#### *Report of the Planning Board*

This article is meant to clarify the fact that this section applies to Buildings and Structures. At its meeting of April 1, 2008 the Planning Board voted to recommend that Town Meeting ADOPT the proposed amendment to Section 5.3.7.6 of the Zoning Bylaw by deleting the word "STRUCTURE" in subsection b. and inserting the words "BUILDING or SRUCTURE" in its place, and by changing subsection letters a. and b. to numbers 1) and 2), as printed in the warrant.

#### 5.3.7.6 Historic Buildings and Structures

- 1) Any WIRELESS SERVICE FACILITY located on or within a historic structure shall not alter the character-defining features, distinctive construction methods, or original historic materials of the building, or
- 2) Any alteration made to a historic BUILDING or STRUCTURE to accomplish a WIRELESS SERVICE FACILITY shall be fully reversible.

#### **ARTICLE 52. Zoning Bylaw Amendment - Trailers and Mobile Homes**

On motion of Selectman Stephen Dungan, it was voted unanimously to amend the Zoning Bylaw Section 6.4 by adding the words "except as provided to Mass. General Laws Chapter 40A, Section 3", to read in its entirety as printed in the warrant.

#### *Report of the Planning Board*

This article is meant to clarify the fact that Massachusetts General Law Chapter 40A, Section 3 allows for temporary trailers as a dwelling unit for a period not to exceed 12 months while a residence is being rebuilt in the case of fire or catastrophic event. At its meeting of April 1, 2008 the Planning Board voted to recommend that Town Meeting ADOPT the proposed amendment to Section 6.4 of the Zoning Bylaw by adding the words "except as provided in MGL, Ch. 40A, s.3", to read in its entirety as printed in the warrant.

#### 6.4 TRAILERS and MOBILE HOMES

No TRAILER or MOBILE HOME shall be moved onto any LOT within the Town for use as a DWELLING, except as provided in Mass. General Laws Chapter 40A, Section 3.

#### **ARTICLE 53. Transfer to Stabilization Fund**

On motion of Selectman Kathleen Farrell, it was voted unanimously to appropriate and transfer from Free Cash the sum of \$50,000.00 to be added to the Stabilization Fund.

The Finance Committee was in favor of the article.

#### **ARTICLE 54. Transfer to Snow and Ice Account**

On motion of Selectman Jason Robart, it was voted unanimously to appropriate and transfer the following funds from the associated accounts to be added to the FY2008 Snow and Ice Account.

Assabet River Rail Trail Land - Acct. 0200-10-199-70-78100-0000	\$16,150.50
Purchase of computer system - Acct. 0200-20-210-70-78540-0000	194.95
Purchase of Hurst Tool - Acct. 0100-20-220-70-77800-0000	80.00
Center School security system - Acct. 0100-30-310-70-78501-0000	960.00
Hale School security system - Acct. 0100-30-310-70-78502-0000	1,305.54
Purchase of backhoe - Acct. 0200-40-420-70-78729-0000	3.59
	<hr/>
	\$18,694.58

The Finance Committee was in favor of the article.

#### **ARTICLE 55. Balance Fiscal Year 2009 Budget**

On motion of Finance Committee member David Walrath, it was voted unanimously to take **no action** on this article.

Prior to presenting the next motion, Selectmen Chair Stephen Dungan recognized Deputy Moderator Gary Horowitz, who presided over this meeting in the absence of Edward Newman. Job well done!



## ARTICLE 56. Town Election

On motion of Selectman Stephen Dungan, it was voted unanimously that the meeting be adjourned until the Annual Election on Tuesday, May 13, 2008, commencing at 7:00 a.m. at the Hale Middle School Gymnasium in said Town of Stow and then and there to act on Article 56 for such election of officers and ballot questions as listed in the warrant; and thereafter, at the close of the polls, to dissolve this meeting.

The meeting was adjourned at 10:29 p.m. to reconvene on May 13, 2008 at 7:00 a.m. for the Annual Election.

Checkers at the Door: Janet Derby, Carol Dudley, Utahna Hallet, Diane Lowden, Elizabeth MacGilvra, Judith Scraggs

Tellers for the Town Meeting: Robert Aldape, Sharon Brownfield, James Henry, Jean Lynch, Cynthia Perkins, Marcia Rising, Thomas Ryan, Debra Seith, Kent Seith, Kathleen Sferra, Dwight Sipler, Elizabeth Tobey, Gregor Trinkaus-Randall, Robert Walrath

Timekeeper: Catherine Desmond

<u>Number of Voters Checked:</u>	Monday, May 5th	241
	Tuesday, May 6th	137

Number of Registered Voters: 4,464

*The amendments to the General Bylaws adopted under Articles 44 and 48 were approved by the Attorney General on August 25, 2008. Posted as a Town Bulletin on October 3, 2008.*

*The amendments to the Zoning Bylaws adopted under Articles 49, 50, 51 and 52 were approved by the Attorney General on August 25, 2008. Posted as a Town Bulletin on October 3, 2008.*

## ANNUAL ELECTION MAY 13, 2008

Pursuant to the Selectmen's warrant of March 26, 2008, the Annual Election was held in Hale Middle School Gymnasium/Auditorium and was called to order at 7:00 a.m.

After examining the ballot box and finding it empty and in good order, the counter was set to zero. The ballot box was then locked and the keys delivered to the Warden, who declared the polls open.

During polling hours nineteen absentee ballots were opened, recorded and cast into the ballot box. There were two spoiled ballots. There were no provisional ballots. The polls were declared closed at 8:00 p.m., with 360 ballots cast. Voter turnout was 8%. There were 4,464 registered voters. The final results were announced as follows:

### Selectman

#### (one - three year term)

Stephen M. Dungan incumbent	287
Blanks & Scatterings	73

### Assessor

#### (one - three year term)

John E. Smith (incumbent)	275
Blanks & Scatterings	85

**Nashoba Regional School District Committee****(one - three year term)**

Brian P. Burke (incumbent) 269

Blanks &amp; Scatterings 91

**Board of Health****(one - three year term)**

Mary E. Cormier (incumbent) 289

Blanks &amp; Scatterings 71

**Planning Board****(one - five year term)**

Ernest E. Dodd (incumbent) 256

Blanks &amp; Scatterings 104

**Randall Library Trustee,****(two – three year term)**

Carolyn C. Howe (incumbent) 298

Tim Reed (incumbent) 39

Blanks 379

Write-ins 4

*Note: The total number of votes in the ‘vote for two’ race will be two times the number of ballots cast.***Stow Housing Authority****(one – four year term)**

Blanks 346

Greg Jones 3 (declined election, position is declared vacant)

Scatterings 11 (single votes)

**Question 1.**

Shall the Town of Stow be allowed to exempt from the provisions of proposition two and one-half, so-called, the amounts required to pay for the bond issued in order to finance the repairs and improvements to fire engine truck number 11 or to finance the purchase of a new fire truck to replace fire engine number 11?

Yes 267 No 87 Blanks 6

**Question 2.**

Shall the Town of Stow be allowed to exempt from the provisions of proposition two and one-half, so-called, the amounts required to pay the Town’s apportioned share of the principal and interest on the \$1,280,000 indebtedness to be issued by the Nashoba Regional School District in order to finance the construction of a synthetic turf field and a new track at the Nashoba Regional High School?

Yes 80 No 243 Blanks 37

**ELECTION WORKERS**Warden

Philip T. Detsch

Clerk

Judith A. Scraggs

Checkers & Ballot Counters

Pamela G. Gjestebj

Utahna G. Hallet

Deputy Warden

Edward R. Perry, Jr.

Checkers & Ballot Counters

Mary E. Algeo

Janet Derby

Carol J. Dudley

Betty Holly

Diane I. Lowden

Elizabeth D. MacGilvra



**STATE PRIMARY  
SEPTEMBER 16, 2008**

Pursuant to the Selectmen's warrant of August 12, 2008, the State Primary was held in Hale Middle School Gymnasium/Auditorium and was called to order at 7:00 a.m.

After examining the ballot box and finding it empty and in good order, the counter was set to zero. The ballot box was then locked and the keys delivered to the Warden, who declared the polls open.

During polling hours fifty-four absentee ballots were opened, recorded and cast into the ballot box. There were thirteen spoiled ballots. There were no provisional ballots. The polls were declared closed at 8:00 p.m., with 1,172 ballots cast (1,064 Democratic, 108 Republican, zero Green-Rainbow, and zero Working Families.) There were 4,543 registered voters. Voter turnout was 26%. The final results were announced as follows:

**Democratic Party Results – 1064 ballots cast**

<u>RAC E/CANDIDATES</u>	<u>TOTAL</u>
<b>Senator in Congress</b>	
John F. Kerry	783
Edward J. O'Reilly	262
Blanks	18
Write-ins	1
<b>Representative in Congress</b>	
Nicola S. Tsongas	877
Blanks	186
Write-ins	1
<b>Councillor</b>	
Marilyn M. Petitto Devaney	400
John J. Doyle	210
Thomas L. Walsh	62
Blank	391
Write-ins	1
<b>Senator in General Court</b>	
James B. Eldridge	782
Blanks	282
Write-ins	0
<b>Representative in General Court</b>	
Leonard H. Golder	69
Kate Hogan	422
Ellen S. Sturgis	554
Blanks	19
Write-ins	0
<b>Registrar of Probate</b>	
John R. Buonomo	598
Blanks	436
Write-ins	
Sean O'Donovan (announced)	18
Scatterings	12

**Republican Party Results – 108 ballots cast****RACE/CANDIDATES      TOTAL****Senator in Congress**

Jeffrey K. Beatty	94
Blanks	10
Write-ins	4

**Representative in Congress**

Blanks	103
Write-ins	5

**Councillor**

Blanks	107
Write-ins	1

**Senator in General Court**

Steven L. Levy	93
Blanks	13
Write-ins	2

**Representative in General Court**

Sonny Parente	93
Blanks	15
Write-ins	0

**Registrar of Probate**

Blanks	106
Write-ins	2

**GREEN-RAINBOW PRIMARY – No nominations for six positions on ballot – Zero ballots cast**

**WORKING FAMILIES PRIMARY - No nominations for six positions on ballot – Zero ballots cast**

**ELECTION WORKERS****Warden**

Philip T. Detsch

**Clerk**

Judith A. Scraggs

**Ballot Box Officers**

Ann F. Luxner

**Checkers & Ballot Counters**

Mary E. Algeo

Ann Deluty

Janet Derby

Anne C. Draudt

Carol J. Dudley

Betty Holly

Elizabeth D. MacGillvra

Eila J. Makey

Utahna G. Hallet

Diane L. Parker

Pamela G. Gjestebly

Diane I. Lowden

## STATE ELECTION NOVEMBER 4, 2008

Pursuant to the Selectmen's warrant of October 14, 2008, the State Election was held in Hale Middle School Gymnasium/Auditorium and was called to order at 7:00 a.m.

After examining the ballot box and finding it empty and in good order, the counter was set to zero. The ballot box was then locked and the keys delivered to the Warden, who declared the polls open.

During polling hours three hundred fifty-nine absentee ballots were delivered to the polls, opened, recorded and cast into the ballot box. There were thirty-one spoiled ballots. There were three provisional ballots. The polls were declared closed at 8:00 p.m., with 4,021 ballots cast on November 4<sup>th</sup>.

Three overseas ballots were received between November 5-14<sup>th</sup>. The Board of Registrars held a duly posted meeting on November 14<sup>th</sup> and cast three ballots. The election night totals were adjusted accordingly.

Total ballots cast for the November 4, 2008 election was 4,024. There were 4,667 registered voters. Voter turnout was 86%.

The final results are as follows:

<u>RACE/CANDIDATES</u>	<u>Total</u> 11/4	<u>Total</u> 11/14	Official Results
<b>President/Vice President</b>			
Baldwin/Castle	3		<b>3</b>
Barr/Root	33		<b>33</b>
McCain/Palin	1592		<b>1592</b>
McKinney/Clemente	9		<b>9</b>
Nader/Gonzalez	33		<b>33</b>
Obama/Biden	2316	3	<b>2319</b>
Blanks	20		<b>20</b>
Write-ins	15		<b>15</b>
<b>Senator in Congress</b>			
John F. Kerry	2320	2	<b>2322</b>
Jeffrey K. Beatty	1472		<b>1472</b>
Robert J. Underwood	130		<b>130</b>
Blanks	98	1	<b>99</b>
Write-ins	1		<b>1</b>
<b>Representative in Congress</b>			
Nicola S. Tsongas	2887	2	<b>2889</b>
Blanks	1095	1	<b>1096</b>
Write-ins	39		<b>39</b>
<b>Councillor</b>			
Marilyn M. Petitto Devaney	2424	2	<b>2426</b>
Blank	1562	1	<b>1563</b>
Write-ins	35		<b>35</b>

**Senator in General Court**

James B. Eldridge	2098	2	<b>2100</b>
Steven L. Levy	1531		<b>1532</b>
Blanks	375	1	<b>376</b>
Write-ins	17		<b>17</b>

**Representative in General Court**

Kate Hogan	2220	2	<b>2222</b>
Sonny Parente	1431		<b>1431</b>
David A. Goulding	199		<b>199</b>
Blanks	166	1	<b>167</b>
Write-ins	5		<b>5</b>

**Registrar of Probate**

Tara E. DeCristofaro	2459	2	<b>2461</b>
Blanks	1545	1	<b>1546</b>
Write-ins	17		<b>17</b>

**QUESTION 1: LAW PROPOSED BY INITIATIVE PETITION**

Do you approve of a law summarized below, on which no vote was taken by the Senate or the House of Representatives before May 6, 2008?

**SUMMARY**

This proposed law would reduce the state personal income tax rate to 2.65% for all categories of taxable income for the tax year beginning on or after January 1, 2009, and would eliminate the tax for all tax years beginning on or after January 1, 2010.

The personal income tax applies to income received or gain realized by individuals and married couples, by estates of deceased persons, by certain trustees and other fiduciaries, by persons who are partners in and receive income from partnerships, by corporate trusts, and by persons who receive income as shareholders of "S corporations" as defined under federal tax law. The proposed law would not affect the tax due on income or gain realized in a tax year beginning before January 1, 2009.

The proposed law states that if any of its parts were declared invalid, the other parts would stay in effect.

**A YES VOTE** would reduce the state personal income tax rate to 2.65% for the tax year beginning on January 1, 2009, and would eliminate the tax for all tax years beginning on or after January 1, 2010.

**A NO VOTE** would make no change in state income tax laws.

Results Question 1	11/4	11/14	Official Total
Yes	1431		1431
No	2527	2	2529
Blanks	63	1	64

**QUESTION 2: LAW PROPOSED BY INITIATIVE PETITION**

Do you approve of a law summarized below, on which no vote was taken by the Senate or the House of Representatives before May 6, 2008?

**SUMMARY**

This proposed law would replace the criminal penalties for possession of one ounce or less of marijuana with a new system of civil penalties, to be enforced by issuing citations, and would exclude information regarding this civil offense from the state's criminal record information system. Offenders age 18 or older would be subject to forfeiture of the marijuana plus a civil penalty of \$100. Offenders under the age of 18 would be subject to the same forfeiture and, if they complete a drug awareness program within one year of the offense, the same \$100 penalty.

Offenders under 18 and their parents or legal guardian would be notified of the offense and the option for the offender to complete a drug awareness program developed by the state Department of Youth Services. Such programs would include ten hours of community service and at least four hours of instruction or group discussion concerning the use and abuse of marijuana and other drugs and emphasizing early detection and prevention of substance abuse.

The penalty for offenders under 18 who fail to complete such a program within one year could be increased to as much as \$1,000, unless the offender showed an inability to pay, an inability to participate in such a program, or the unavailability of such a program. Such an offender's parents could also be held liable for the increased penalty. Failure by an offender under 17 to complete such a program could also be a basis for a delinquency proceeding.

The proposed law would define possession of one ounce or less of marijuana as including possession of one ounce or less of tetrahydrocannabinol ("THC"), or having metabolized products of marijuana or THC in one's body.

Under the proposed law, possessing an ounce or less of marijuana could not be grounds for state or local government entities imposing any other penalty, sanction, or disqualification, such as denying student financial aid, public housing, public financial assistance including unemployment benefits, the right to operate a motor vehicle, or the opportunity to serve as a foster or adoptive parent. The proposed law would allow local ordinances or bylaws that prohibit the public use of marijuana, and would not affect existing laws, practices, or policies concerning operating a motor vehicle or taking other actions while under the influence of marijuana, unlawful possession of prescription forms of marijuana, or selling, manufacturing, or trafficking in marijuana.

The money received from the new civil penalties would go to the city or town where the offense occurred.

**A YES VOTE** would replace the criminal penalties for possession of one ounce or less of marijuana with a new system of civil penalties.

**A NO VOTE** would make no change in state criminal laws concerning possession of marijuana.

Results Question 2	11/4	11/14	Official Total
Yes	2724	2	2726
No	1247		1247
Blank	50	1	51

### QUESTION 3: LAW PROPOSED BY INITIATIVE PETITION

Do you approve of a law summarized below, on which no vote was taken by the Senate or the House of Representatives before May 6, 2008?

#### SUMMARY

This proposed law would prohibit any dog racing or racing meeting in Massachusetts where any form of betting or wagering on the speed or ability of dogs occurs.

The State Racing Commission would be prohibited from accepting or approving any application or request for racing dates for dog racing.

Any person violating the proposed law could be required to pay a civil penalty of not less than \$20,000 to the Commission. The penalty would be used for the Commission's administrative purposes, subject to appropriation by the state Legislature. All existing parts of the chapter of the state's General Laws concerning dog and horse racing meetings would be interpreted as if they did not refer to dogs.

These changes would take effect January 1, 2010. The proposed law states that if any of its parts were declared invalid, the other parts would stay in effect.

**A YES VOTE** would prohibit dog races on which betting or wagering occurs, effective January 1, 2010.

**A NO VOTE** would make no change in the laws governing dog racing.

Results Question 3	11/4	11/14	Official Total
Yes	2543	2	2545
No	1391		1391
Blank	87	1	88

#### QUESTION 4. THIS QUESTION IS NOT BINDING

Shall the state representative from this district be instructed to vote in favor of legislation that:

- (1) reduces greenhouse gas emissions in Massachusetts by 80% by 2020; and
- (2) phases out tax incentives for energy-intensive projects, while expanding job creation programs for locally-owned businesses and cooperatives involved in renewable energy, conservation, and sustainable agriculture?

<u>Results Question 4</u>	<u>11/4</u>	<u>11/14</u>	<u>Official Total</u>
Yes	2723	2	2725
No	743		743
Blank	555	1	556

#### ELECTION WORKERS

##### Warden

Philip T. Detsch

##### Deputy Warden

Edward R. Perry, Jr.

##### Clerk

Judith A. Scraggs

##### Ballot Box Officers

Ann F. Luxner

Elizabeth A. Lindberg

##### Checkers & Ballot Counters

Mary E. Algeo

Ann L. Deluty

Janet Derby

Anne C. Draudt

Carol J. Dudley

Lisabeth H. duBois

Pamela G. Gjestebv

Utahna G. Hallet

Betty Holly

Elizabeth D. MacGilvra

Eila J. Makey

Alice L. Mortensen

Diane L. Parker

Betty M. Sauta

##### Polling Place Greeters & Voter

##### Assistants

Marjorie A. Alessio

Daniel H. Blanton

Martha E. Bonn

Josephine C. Crowell

Donald G. McPherson

Isabel Prokopovich

Alexandra H. Spear

Linda Telfer

Kathleen A. Willis

A true copy. Attest: Linda E. Hathaway, Town Clerk of Stow

